

INFORMATION FROM
FOREIGN DOCUMENTS OR RADIO BROADCASTS

CD NO.

50X1-HUM

COUNTRY Yugoslavia

SUBJECT Military - Armed Forces, Militia
Sociological - Social security

HOW PUBLISHED Irregularly issued newspaper

WHERE PUBLISHED Belgrade

DATE PUBLISHED 7 Feb 1951

LANGUAGE Serbo-Croatian

DATE OF INFORMATION 1951

DATE DIST. 24 Sep 1951

NO. OF PAGES 5

SUPPLEMENT TO REPORT NO.

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SOURCE Sluzbeni List.

DECREE ON SOCIAL SECURITY FOR YUGOSLAV MILITARY PERSONNEL AND MEMBERS OF THE PEOPLE'S MILITIA

The Yugoslav decree on social security for military personnel and for members of the People's Militia, effective 7 February 1951, has the following provisions:

1. Regular Army noncommissioned officers, officers, and servicemen of the Yugoslav Armed Forces, members of the People's Militia, and their dependents, are entitled to all rights as specified by the law on social security for workers, civil service employees, and their dependents.

Eligibility, acquirement, and use of social security rights, as well as termination, forfeiture, and loss, are subject to provisions of the law on social security for workers, civil service employees, and their dependents, and other subsequent decrees based on the above law, as far as it is not amended by this decree.

The term officers used in this decree includes generals and admirals. Reenlisted soldiers are considered noncommissioned officers.

Members of the People's Militia are militiamen, noncommissioned officers, and officers and generals of the People's Militia.

2. Regular Army noncommissioned officers, servicemen, and officers of the Yugoslav Armed Forces, as well as members of the People's Militia, temporarily incapacitated for duty by illness, continue to receive through the period of illness their regular monthly allowances (pay and permanent allowances) in accordance with prevailing regulations on allowances for military personnel on duty with the Yugoslav Armed Forces, and members of the People's Militia, respectively.

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3. The Minister of National Defense, or another official designated by him, is vested with the authority to grant regular allowances in cases of illness of more than one year to Regular Army noncommissioned officers, servicemen, and officers of the Armed Forces, if this is required for medical treatment, or for recuperation, providing it is anticipated that the individual will be able to come back to duty not later than one year afterward. In exceptional cases, the Minister of National Defense is authorized to grant regular allowances in cases of illness of more than 2 years.

Approval of illness as described in the last paragraph for members of the People's Militia is the responsibility of the Yugoslav Minister of Internal Affairs.

4. A Regular Army noncommissioned officer, serviceman, or officer of the Armed Forces who, due to limited disability, is entitled to disability allowance in compliance with the provisions of the law on peacetime military invalids and the law on social security for workers, civil service employees, and their dependents, will be granted only one disability allowance under both laws, whichever is the higher.

This regulation also applies to members of the People's Militia entitled to disability allowance in accordance with provisions of the decree on invalids of the People's Militia.

5. Reclassification of Regular Army noncommissioned officers, servicemen, and officers of the Armed Forces with limited disability is regulated by separate regulations issued by the Minister of National Defense, and by the Yugoslav Minister of Internal Affairs for members of the People's Militia.

Persons who cannot be reclassified for return to duty by the Armed Forces or Ministry of Internal Affairs, will be assigned, after termination of active duty, to authorities in charge of reclassification and employment of invalids.

6. The recipient of an invalid's pension, who is entitled to a separate allowance for permanent outside help and care, in accordance with social security provisions and the law on wartime military invalids, or the law on peacetime military invalids, or the decree on invalids of the People's Militia, may be granted only one allowance under these laws, whichever is the higher.

7. A Regular Army noncommissioned officer, serviceman, or officer of the Armed Forces, as well as member of the People's Militia, who is completely incapacitated for service in the Armed Forces or People's Militia because of service-connected injury or wound or illness contracted during the performance of duty, is entitled to a full invalid's pension.

Regular Army noncommissioned officers, servicemen, and officers of the Armed Forces and members of the People's Militia, who were former members of the People's Liberation Army, or in active and organized work in the people's liberation struggle, are entitled to full invalid pension, if they have been incapacitated for service in the Armed Forces or People's Militia because of illness contracted during the period of their participation in the people's struggle for liberation, or because of illness which is a result of such participation, providing the illness is reported by 31 December 1951.

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8. A Regular Army noncommissioned officer, serviceman, or officer of the Yugoslav Armed Forces, who has reached the age of 55 years (male), or 50 years (female), and has been discharged from active duty with the Armed Forces, will be entitled to an old-age pension if he has completed at least 20 years of active service which counts toward retirement, or if he was a member of the People's Liberation Army in active or organized work in the people's liberation struggle for at least 2 years.

In exceptional cases, the Supreme Commander of the Armed Forces is authorized to grant personal retirement rights to those mentioned above, even if they do not qualify under conditions as set down in the preceding paragraph. If the retirement accrual is less than 15 years, the pension shall be determined on the basis of 15 years.

9. Persons retired under provisions of the preceding paragraph may be assigned to military or any other duty (reactivated) if they have not reached the age of 60 (male) or 55 (female).

Reactivation is the responsibility of the Supreme Commander of the Armed Forces, except for reactivation of a state employee, which is the responsibility of the secretary of the Federal Personnel Service. The date of reactivation is the date for discontinuance of pension.

When a reactivated person has acquired rights to a pension in compliance with pertinent regulations, all rights to a formerly allotted pension are void.

If the duty is terminated prior to the acquirement of right to a new pension, the person will continue to receive his original pension. He will also continue to receive the original pension in cases when the new pension would be lower than the original. Reactivation service is taken into consideration toward increasing the original pension, if the total years accrued are more than 15.

10. Members of the People's Militia acquire old-age pension rights after completing 30 years of service toward retirement.

At the age of 50, Militia members and noncommissioned officers of the People's Militia, and at the age of 60, officers and generals of the People's Militia are entitled to old-age pensions based on their years of service if they have at least 10 years of active service.

People's Militia personnel, who were former members of the People's Liberation Army or in active and organized work in the people's liberation struggle for at least 2 years, may be granted exceptional rights to old-age pensions, even if they do not qualify under the provisions of the preceding paragraph. Decisions in such cases are made by the Yugoslav Minister of Internal Affairs.

Members of the People's Militia entitled to old age pensions under provisions of the last two paragraphs, who do not have 15 years of accrued retirement, will be granted a pension of 50 percent of their retirement base.

11. A Regular Army noncommissioned officer and officer of the Armed Forces or People's Militia punished by loss of rank, or a serviceman punished by relief from duty, has no right to a pension under the provisions of this decree. Their rights are to be ascertained in compliance with general social security regulations.

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12. The time spent by Regular Army noncommissioned officers, servicemen, officers of the Armed Forces, and members of the People's Militia in military or other schools is counted as active duty.

Service in the People's Liberation Army, and in active and organized work in the people's liberation struggle, as well as time spent in antifascist wars, or with the Allied Armed Forces, is considered as active duty for all persons mentioned in the preceding paragraph.

13. Regular Army noncommissioned officers, servicemen, and officers of the Armed Forces who have spent at least one year on extremely difficult assignments in the Navy, Air Force, or border duty, shall receive an additional one percent of the retirement base for each year of such service. Such pensions may not exceed 110 percent of the retirement base. The Minister of National Defense will define such service. A Regular Army noncommissioned officer, serviceman, and officer of the Armed Forces, who has completed 10 years of active service as defined above is entitled to an old-age pension at the age of 50. If he does not have 15 years of accrued service, he will be granted a pension of 50 percent of the retirement base.

14. In addition to pay, the permanent monthly allowance for service with the Yugoslav Armed Forces or the People's Militia is taken into consideration when computing the retirement base, providing the Regular Army noncommissioned officer, serviceman, or officer of the Armed Forces, or member of the People's Militia was receiving such allowance for at least 5 consecutive years prior to his retirement, or for 10 years, if they were not consecutive. For computing retirement base, pay includes base pay and longevity pay.

15. The Minister of National Defense prescribes medical officers and military medical boards authorized to act as medical officers, local medical boards, permanent medical boards, senior medical boards, and senior boards of medical specialists for Regular Army noncommissioned officers, servicemen, and officers of the Yugoslav Armed Forces. He also issues regulations on determining fitness for service and health protection for the above-mentioned personnel and their departments.

The above-mentioned medical boards shall serve in the same capacity for members of the People's Militia, in determining their eligibility for old-age and invalid's pensions.

16. Commanding officers of organized military units, or persons designated by them, are authorized to make decisions and effect payments on allowances for illness, maternity leave, children, travel expenses, and funeral expenses for all Regular Army noncommissioned officers, servicemen, and officers on duty with the unit concerned. Rulings or grievances against these decisions are made by commanding officers of the next higher-ranking units.

Superior commanders appointed by the Minister of National Defense are authorized to make decisions on assignment to other duties and reclassification of Regular Army noncommissioned officers, servicemen, and officers. Rulings on grievances against these decisions are made by the Minister of National Defense.

Decisions applying to members of the People's Militia are made by the republic Minister of Internal Affairs, except for members of the People's Militia on duty with the Main Administration of the People's Militia. Decisions applying to the latter are made by the federal Minister of Internal Affairs, or by the official authorized by him.

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17. New pensions shall be assigned to all persons who are now receiving personal or family pensions on the basis of provisions of the decree on pensions of military personnel, dated 29 October 1947, and the people's militia law, wherever the new pensions are higher.

New pensions shall be figured according to the prevailing regulations applying to military personnel on duty with the Yugoslav Armed Forces, or members of the People's Militia, respectively, valid on the date this decree is put into effect.

The republic ministries for social security shall reclassify pensions upon request of recipients.

18. The provisions of this decree are retroactive to 16 February 1950, the date the law on social security for workers, civil service employees, and their dependents became effective.

19. Provisions of this decree also apply to noncommissioned officers, servicemen, and officers of the UDB. With respect to the UDB, the Yugoslav Minister of Internal Affairs is vested with the authority outlined in Paragraphs 3 and 16.

20. Provisions of this decree do not apply to members of the Militia of industrial establishments who are subject to social security regulations.

21. Additional provisions regulating the application of this decree will be issued as practicable by the Minister of National Defense or the Yugoslav Minister of Internal Affairs, in agreement with the President of the Federal Committee for Social Security.

22. The decree on pensions for military personnel, dated 29 October 1947, and all other regulations not in conformity with provisions of this decree are void as of the date this decree takes effect.

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